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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,403	06/06/2001	Srinivas V.R. Gutta	US010127	7747

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER
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LAYE, JADE O

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/875,403

Applicant(s)

GUTTA ET AL.

Examiner

Jade O. Laye

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The references cited in the Search Report dated February 27, 2003 have been considered, but will not be listed on any patent resulting from this application because they were not provided on a separate list in compliance with 37 CFR 1.98(a)(1). In order to have the references printed on such resulting patent, a separate listing, preferably on a PTO/SB/08A and 08B form, must be filed within the set period for reply to this Office action.

### ***Specification***

2. The disclosure is objected to because of the following informalities:
- a. The following terms are mislabeled: According to figure 2, “viewing history database 38” should correspond to number 39 and “viewer profile database 39” should correspond to number 38. (Spec. Pg. 5, Lns. 19-20).
  - b. On page 6 of the Specification, Applicant is required to insert the respective application numbers into the blanks.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks et al. (US Pat. No. 5,798,785).

As to claim 1, Hendricks discloses a system, which recommends content to viewers. The system receives a "program abstract", which describes the program, from a program abstract database. In turn, the system is able to identify a category (i.e., genre, theme, etc.) corresponding to the program and generate a recommendation list based upon the program's correlation to a specified category. (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Accordingly, Hendricks et al anticipate each and every limitation of claim 1.

Claim 8 corresponds to the method claim 1. Therefore, it is analyzed and rejected as previously discussed.

*(NOTE: It is inherent Hendricks contains any number of "classifier modules" because the system can be used to retrieve programs based upon various categories. In essence, each category can be read to correspond to a separate module. For example, comedy category corresponds to the comedy module, sit-com category corresponds to the sit-com module, etc.)*

As to claim 2, Hendricks further discloses a user can enter any number of criteria used to retrieve content. As discussed under claim 1, the system receives a program abstract and identifies a category corresponding to the program. Thereafter, the system generates a list of suggested programs based upon the degree of correlation between said program and user criteria (i.e., a first recommendation for first program, second recommendation for second program, etc.). (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Accordingly, Hendricks et al anticipate each and every limitation of claim 2.

Claim 9 corresponds to the method claim 2. Therefore, it is analyzed and rejected as previously discussed.

As to claim 3, Hendricks again discloses the system is capable of extracting a program abstract from incoming programs (i.e., a first record corresponding to a first program, a second record corresponding to a second program, etc.). Once this program abstract is received, the system then determines the category of the program based upon the program's abstract. Then, the system can generate any number of recommendations – each depending on criteria entered by the user (i.e., first classifier module could be drama, second classifier module could be sports, etc.). (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Accordingly, Hendricks et al anticipate each and every limitation of claim 3.

Claim 10 corresponds to the method claim 3. Therefore, it is analyzed and rejected as previously discussed.

As to claim 4, Hendricks teaches (as discussed above) the system receives a program abstract (i.e., record) from the incoming program and generates a recommendation of the program according to a correlation between the program and a user's criteria. (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). The user can enter any number of criteria (genre, theme, etc.) which are, in essence, classifier modules. Accordingly, Hendricks et al anticipate each and every limitation of claim 4.

As to claim 5, Hendricks teaches the user can enter any number of user criteria. Therefore, if the user enters a second criteria, the system will recommend those programs whose abstracts correlate to the define user criteria. (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Accordingly, Hendricks et al anticipate each and every limitation of claim 5.

Claim 11 corresponds to the method claim 5. Therefore, it is analyzed and rejected as previously discussed.

As to claim 6, Hendricks further teaches the system is capable of concurrently generating recommendations based upon the correlation of the program to different categories when the program record fails to indicate an allocation of the program to one specific category. (Col. 36, Ln. 1-16 & Ln. 45-51). Accordingly, Hendricks et al anticipate each and every limitation of claim 6.

Claims 13, 16, and 19 correspond to the method claim 6. But, each fails to recite the “concurrently” limitation of claim 6. However, the same rejected as applied under claim 6 can be applied. Therefore, each is analyzed and rejected as previously discussed.

As to claim 7, Hendricks further teaches the recommended programs can be ranked based upon their correlation values. (Col. 32, Ln. 54-67 thru Col. 33, Ln. 1-13). Accordingly, Hendricks et al anticipate each and every limitation of claim 7.

Claims 14, 17, and 20 correspond to the method claim 9. Therefore, each is analyzed and rejected as previously discussed.

As to claim 12, Hendricks teaches (as discussed above) the system is capable of identifying any number of programming categories which correspond to the program (which can be a first, second, third, etc. program). The system then calculates a recommendation based upon the correlation between the program and the categories. (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Accordingly, Hendricks et al anticipate each and every limitation of claim 12.

Claims 15 and 18 each combine the limitations recited in claims 1 and 2. Accordingly, each is analyzed and rejected as previously discussed.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Amano et al. (US Pat. No. 5,585,865) disclose a receiver, which selects programs based upon genre.
- b. Na (US Pat. No. 5,296,931) discloses a receiver, which selects channels based upon categories.
- c. Alexander et al (US Pat. No. 6,177,931) disclose a system capable of suggesting programs to a user.
- d. Eldering et al (US Pat. No. 6,457,010) disclose a system capable of suggesting programs to a user based upon specified categories.
- e. Strubbe et al (US Pat. No. 5,483,278) disclose a system capable of finding movies of interest in database.
- f. White et al (US Pat. No. 6,628,302) disclose a content recommender.
- h. Gutta (US Pat. No. 6,727,914) disclose a content recommender.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (571) 272-7303. The examiner can normally be reached on Mon. 7:30am-4, Tues. 7:30-2, W-Fri. 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner's Initials JZ  
April 6, 2005.

  
NGOC-YEN VU  
PRIMARY EXAMINER